

REMARKS

Applicants appreciate the thorough examination of the present application as reflected in the Office Action mailed August 15, 2005 (hereinafter "Office Action"). Applicants respectfully submit that the cited reference fails to disclose or suggest, at least, all of the recitations of independent Claims 1, 23, 27, and 32 - 35. Accordingly, Applicants submit that all pending claims are in condition for allowance. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter.

Independent Claims 1, 32, and 34 are Patentable

Claims 1, 32, and 34 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,732,175 to Abjanic (hereinafter "Abjanic"). (Office Action, page 3). Independent Claims 1, 32, and 34 are directed to a method, system, and computer program product, respectively, for providing transactional quality of service. For example, independent Claim 1 recites, in part:

providing transaction service level information for a data transmission transaction to a communication process executing on a data processing system from an application executing on the data processing system requesting the data transmission transaction, wherein the transaction service level information is provided separate from data for the data transmission transaction; and

...

Independent Claims 32 and 34 include similar recitations. As highlighted above, an application requesting a data transmission transaction provided service level information to a communication process that executes on the same data processing system as the application. In addition, the transaction service level information is provided separate from data for the data transmission transaction.

In sharp contrast, to the recitations of independent Claims 1, 32, and 34, the content-based message director 145 shown in FIG. 1 of Abjanic does not execute on the same data processing system as applications 112, 122, and/or 132 or the applications executing on the servers 150, 160, and/or 170. Moreover, Abjanic explains that it is

desirable to separate the message director 145 from the application servers to "relieve the processing nodes or application servers from this additional processing overhead."
(Abjanic, col. 5, lines 25 - 27).

Furthermore, Applicants submit that Abjanic does not disclose or suggest that the transaction service level information be separate from data for the data transmission transaction as recited in Claims 1, 32, and 34. Instead, Abjanic teaches that the message director 145 is a content-based message director that switches "messages to a selected server based upon the content of application data, such as business transaction information (which may be provided as XML data)." (Abjanic, col. 4, lines 52 - 54; emphasis added).

For at least the foregoing reasons, Applicants respectfully submit that independent Claims 1, 32, and 34 are patentable over Abjanic, and that dependent Claims 2 - 22 are patentable at least by virtue of their depending from an allowable claim.

Independent Claims 23, 33, and 35 are Patentable

Claims 23, 33, and 35 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Abjanic. (Office Action, page 3). Independent Claim 23 recites:

23. A method for establishing a quality of service level for the transmission of data, comprising:
providing an application program interface to a communications process which both receives data to be transmitted by the communication process and receives quality of service information associated with the data to be transmitted so as to establish the quality of service level for the transmission of the received data without reference to the contents of the received data to be transmitted.

Claims 33 and 35 include similar recitations. Thus, according to Claims 23, 33, and 35, the application program interface to the communication process allows receipt of quality of service information so as to establish a quality of service level without reference to the contents of the data to be transmitted. As discussed above with respect to independent Claims 1, 32, and 34, Abjanic does not disclose or suggest that the quality service level be established without reference to the contents of the data to be transmitted as recited in Claims 23, 33, and 35. Instead, Abjanic teaches that the message director 145 is a

content-based message director that switches "messages to a selected server based upon the content of application data, such as business transaction information (which may be provided as XML data)." (Abjanic, col. 4, lines 52 - 54; emphasis added).

For at least the foregoing reasons, Applicants respectfully submit that independent Claims 23, 33, and 35 are patentable over Abjanic, and that dependent Claims 24 - 26 are patentable at least by virtue of their depending from an allowable claim.

Independent Claim 27 is Patentable

Claim 28 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Abjanic. (Office Action, page 3). Independent Claims 27 recites:

27. A system for establishing a quality of service level for transmitted data, comprising:
- a communications process circuit comprising:
 - a send message application program interface configured to receive data to be transmitted and quality of service information associated with the data to be transmitted;
 - a policy service module configured to determine a quality of service level based on the quality of service information; and
 - a transmit/receive process configured to transmit the received data utilizing the determined quality of service level.

According to Claim 27, the send message application program interface receives both data to be transmitted and quality of service information. The policy service module determines a quality of service level based on the quality of service information. As discussed above with respect to independent Claims 1, 23, and 32 - 35, Abjanic does not disclose or suggest the use of separate quality service information that is distinguishable from the contents of the data to be transmitted as recited in Claim 27. Instead, Abjanic teaches that the message director 145 is a content-based message director that switches "messages to a selected server based upon the content of application data, such as business transaction information (which may be provided as XML data)." (Abjanic, col. 4, lines 52 - 54; emphasis added).

In re: Brabson et al.
Serial No.: 09/760,975
Filed: January 16, 2001
Page 13 of 13

For at least the foregoing reasons, Applicants respectfully submit that independent Claim 27 is patentable over Abjanic, and that dependent Claims 28 - 31 are patentable at least by virtue of their depending from an allowable claim.

CONCLUSION

In light of the above discussion, Applicants submit that the present application is in condition for allowance, which action is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

It is not believed that an extension of time and/or additional fee(s)-including fees for net addition of claims-are required, beyond those that may otherwise be provided for in documents accompanying this paper. In the event, however, that an extension of time is necessary to allow consideration of this paper, such an extension is hereby petitioned for under 37 C.F.R. §1.136(a). Any additional fees believed to be due in connection with this paper may be charged to Deposit Account No. 09-0461.

Respectfully submitted,



D. Scott Moore
Registration No. 42,011

Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401